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14 Attorneys for Plaintiff
 15 LEVEL 3 COMMUNICATIONS, LLC

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

18 In re: Third Party Subpoena Issued to GCA Savvian
 19 Advisors, LCC

20 Related to:
 LEVEL 3 COMMUNICATIONS, LLC,

21 Plaintiff,

22 vs.

23 LIMELIGHT NETWORKS, INC.,

24 Defendant,

Misc. Action No. 08-80161 SI
 Related to 2:07cv589 (RGD-FBS)
 In the United States District Court for
 the Eastern District of Virginia

**LEVEL 3 COMMUNICATIONS,
 NOTICE OF WITHDRAWAL OF
 ITS MOTION TO COMPEL
 COMPLIANCE WITH
 SUBPOENA ON THIRD-PARTY
 GCA SAVVIAN ADVISORS, LLC
 PURSUANT TO FEDERAL RULE
 OF CIVIL PROCEDURE 45**

**DATE: September 3, 2008
 TIME: 11:30 a.m.
 JUDGE: Hon. Susan Illston**

1 Pursuant to Local Rule 7-7, Level 3 Communications, LLC ("Level 3") hereby withdraws its
2 Motion to Compel Compliance with Subpoena on Third-Party GCA Savvian Advisors, LLC
3 Pursuant to Federal Rule of Civil Procedure 45 ("Motion"). Level 3 withdraws its Motion in order
4 to conserve judicial and party resources as the parties have agreed to a date certain to conduct the
5 depositions of the third-party witnesses that are the subject matter of the Motion prior to the
6 discovery cut-off date in the underlying action. A true and correct copy of the parties'
7 correspondence agreeing to the depositions is attached hereto as Exhibit A. Accordingly, the Motion
8 is moot and Level 3 respectfully withdraws the Motion.

9
10 Dated: September 2, 2008

WINSTON & STRAWN LLP

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13 By: /s/Leda M. Mouallem
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Attorneys for Plaintiff LEVEL 3
COMMUNICATINCS, LLC

SF:214786.1

EXHIBIT A

Mouallem, Leda M.

From: Weiss, Charles [CWeiss@kenyon.com]
Sent: Saturday, August 30, 2008 8:00 PM
To: McComb, Ethan; Guy Ruttenberg; amackinnon@kirkland.com; cbrahma@kirkland.com; Nick Saros; senoona@kaufcan.com
Cc: McCabe, Peter C.; Molster, Charles B.; Balesteri, Peggy M.; mkatchmark@wilsav.com; Bloch, David S.; Mouallem, Leda M.
Subject: RE: Level 3 v. Limelight

Gentlemen,

The case I had going to trial settled, so I am available. Thus, we will make Messrs Greenbaum and Orozco available for deposition in San Francisco on September 8 starting at 10:00 a.m. with Mr. Greenbaum.

Charles Weiss
Charles A. Weiss
Kenyon & Kenyon LLP
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From: McComb, Ethan [mailto:EMcComb@winston.com]
Sent: Friday, August 29, 2008 6:20 PM
To: Weiss, Charles; 'Guy Ruttenberg'; 'amackinnon@kirkland.com'; 'cbrahma@kirkland.com'; 'Nick Saros'; 'senoona@kaufcan.com'
Cc: McCabe, Peter C.; Molster, Charles B.; Balesteri, Peggy M.; 'mkatchmark@wilsav.com'; Bloch, David S.; Mouallem, Leda M.
Subject: RE: Level 3 v. Limelight

Charles and Guy:

Is there any possible way to resolve the scheduling issues relating to the deps of Mark Greenbaum and James Orozco (and/or Jens Teagan) so that we don't need to bother Judge Illston with the Motion to Compel next Wednesday -- *i.e.*, are there any dates upon which we could all agree?

Please let us know your thoughts.

Thanks,

Ethan

From: Mouallem, Leda M.

Sent: Friday, August 29, 2008 12:52 PM

To: McComb, Ethan; 'cweiss@kenyon.com'; 'Guy Ruttenberg'; 'amackinnon@kirkland.com'; 'cbrahma@kirkland.com'; 'Nick Saros'; 'senoona@kaufcan.com'

Cc: McCabe, Peter C.; Molster, Charles B.; Balesteri, Peggy M.; 'mkatchmark@wilsav.com'; Bloch, David S.

Subject: RE: Level 3 v. Limelight

Counsel,

Attached please find a courtesy copy of the Northern District of California ECF notification stating the hearing date/time below.

Regards,

Leda Mouallem

From: McComb, Ethan

Sent: Thursday, August 28, 2008 5:44 PM

To: 'cweiss@kenyon.com'; 'Guy Ruttenberg'; 'amackinnon@kirkland.com'; 'cbrahma@kirkland.com'; 'Nick Saros'; 'senoona@kaufcan.com'

Cc: McCabe, Peter C.; Molster, Charles B.; Balesteri, Peggy M.; 'mkatchmark@wilsav.com'; Bloch, David S.; Mouallem, Leda M.

Subject: Level 3 v. Limelight

Please see the attached. Hearing on this matter is set for 9/3/2008 at 11:30 a.m. Pacific. The Judge hearing this matter is unavailable from 9/4/2008 to 9/18/2008 and from 9/23/2008 to 9/26/2008.

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